IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
BENNETT *et al.*

Appl. No. 10/612,410

Filed: July 3, 2003

For: **Methods And Compositions For The Production, Identification, And Purification Of Fusion Proteins**

Confirmation No.: 3567

Art Unit: 1633

Examiner: Hill, Kevin Kai

Atty. Docket: 0942.5510003/RWE/FRC

Response to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated **March 24, 2006**, Applicants elect Invention II, claims 19-38, 60-79, 104-128, 136-138, drawn to a method to produce a polynucleotide product and a host cell containing said polynucleotide product, classified in class 435, subclass 41. The election of Invention II is made without traverse.

With the election of Invention II, the Examiner further requires a species election of one of the following patentably distinct nucleic acid molecules consisting of a single set of recombinase sites:

(a) one or more recombination sites;

(b) one or more topoisomerase sites, and one or more topoisomerases;

(c) one or more recombination sites and one or more topoisomerase sites, and one or more topoisomerases.

Applicants hereby elect species (b), one or more topoisomerase sites and one or more topoisomerases for examination on the merits. Claims 60-79, 104-128, and 137- 138 read on elected species (b).

Because Applicants elect Invention II and species (b) from above for examination, the Examiner requires election of a specific topisomerase protein. In the instant case the Applicants elect species (a), Type I topoisomerase. Claims 60-79, 104-128, and 137-138 read on elected species (a).

Because the Applicants elect Invention II and topoisomerase sites/topoisomerase Type I for examination, the Examiner further requires an additional election of a poxvirus topoisomerase species. The Applicants elect species (a), vaccinia virus. Claims 60-79, 104-128, and 137-138 read on elected species (a).

Because the Applicants elect Invention II, the Examiner additionally requires a species election of a post-translational modification. For this, Applicants elect species (a), biotinylation. Claims 19-38, 60-79, 104-128, and 136-138 read on elected species (a).

Also because Invention II is elected, the Examiner requires an election of an amino acid sequence tag. The Applicants elect species (a), all or a portion of the *Klebsiella pneumoniae* oxalacetate decarboxylase. Claims 19-38, 60-79, 104-128, and 136-138 read on elected species (a).

Finally, because Invention II is elected, the Examiner also requires an election of a single nucleic acid molecule structure. In this case, Applicants elect species (b), linear. Claims 19-28, 30-38, 60-79, 104-128, and 136-138 read on elected species (b).

All of the elections mentioned above are made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve their rights pursuant to 37 C.F.R. § 1.114 (a) to have additional species considered in the event that a generic claim is found allowable.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

Natalie A. Davis

Natalie A. Davis
Patent Agent
Invitrogen Corporation
Registration. No. 53,849

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